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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

New Caledonia

Working paper prepared by the Secretariat

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I. General

1. New Caledonia is located in the Pacific Ocean, about 1,500 kilometres east of Australia and 1,700 kilometres north of New Zealand. It comprises one large island, known as Grande Terre, and smaller islands known as the Loyalty Islands (Ouvéa, Maré, Lifou and Tiga), the Bélap Archipelago, the Isle of Pines and Huon Islands. There are also several uninhabited islands to the north of the Loyalty Islands. The area of Grande Terre is 16,750 square kilometres and that of the Territory, 19,103 square kilometres. Nouméa, the capital, is located in the south of Grande Terre.

2. According to the 1989 census, the population was 164,173, comprising 73,598 known indigenous Melanesians known as Kanaks (44.8 per cent); 55,085 persons of European origin, mainly French (33.6 per cent), of whom 35,000 persons, known as Caldoches, are descendants of the early settlers; 18,936 Wallisians and Tahitians (11.5 per cent); and 16,554 others, mainly Indonesians and Vietnamese (10.1 per cent). It is estimated that in 1995 the population was 181,000 persons. The mean rate of population growth for the period 1991-1995 was 1.53 per cent.

3. There are two principal political groupings and numerous small parties. The two groupings in question are the Rassemblement pour la Calédonie dans la République (RPCR) and the Front de libération nationale kanake socialiste (FLNKS). The constituents of FLNKS are the Union calédonienne (UC), the Parti de libération kanak (PALIKA), the Union progressiste mélanésienne and the Parti socialiste calédonien (PSC).

4. The Matignon Accords of 1988 (see A/AC.109/1000, paras. 9-14 and A/AC.109/2028, paras. 5-9 and annexes I-IV, VI and VII) provide for a 10-year period of economic and social development and a self-determination referendum to be held in 1988.

II. Developments

5. At his press conferences in July 1996, Mr. Jean-Jacques de Peretti, the French Overseas Minister, stated the position of the French Government with regard to the political, economic and social development of the Territory in the context of the Matignon Accords. He stated, *inter alia*, the following:

> "The Government's state of mind is as follows: we are seeking a solution which will be accepted by, common to and shared by all New Caledonians within the meaning and in the spirit of the Matignon Accords. Since this solution is to be ratified, it will be put before the New Caledonians. Thus, if the New Caledonians are to accept it, it must by definition be acceptable. And this solution must make it possible to take an approach which for some, they will say, they are already saying, must lead to independence and which for others must enable them to remain within the French Republic. But it must be a solution which is not closed. A solution which extends the horizon. And what can the State do in this respect? It can say to the New Caledonians, in the first place, who does it belong to, this right to decide your fate? It does not belong to an entity which is not defined. It belongs to the New Caledonians, but to all the New Caledonians who express it through their right to vote. And the framework the State must establish and that it must guarantee is a very simple framework: it is that of the Matignon Accords, that is the attitude we all share; independence with self-determination, self-determination but population concern; that is to say, all of the communities. From then on, the choice is up to the New Caledonians. And today, in all the discussions I have been able to have, all the meetings, I have indeed felt something important, namely that even those who are in favour of independence are talking of accompaniment, of preparation. Even those who are not in favour of independence are talking to us about institutions that will function even better and perhaps go further in terms of the powers conferred on the Territory. And it is this that we must try to make coherent and get under way. It is not an easy task, but all the same this is the approach all of us are taking.
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> "Let us try to build this solution, and I will bet you anything you like that if it is really consensual, everyone will come together around the table and sign this solution before putting it to the New Caledonians. But in addition, before it is put to the New Caledonians, perhaps before it is signed, everyone will need to take it back to his constituency and really explain it. Because it seems to me that there is a lot of talk about constituencies and explanations, but that there is a shortage. And I am talking about the State as well, because the State, from this point of view, has a job of providing explanations that needs to be done. But that is perhaps more difficult than it was before. Before, people concocted something in a corner and then said, 'There you are, that's how it is'. Today, in our modern world, everyone sees what's happening on

television. Everyone listens, everyone reads, everyone talks, even tribal people discuss things with one another. And so there is a job to be done which entails contributing discussion, contributing debate, contributing dialogue, all the more so in New Caledonia. I mean the logic of going into a hut in order to sit down and come out with a consensus is a logic which in the first place is not absurd, and in the second place is not merely symbolic. It is a reality, also for the designation of any given representative. I think we must not overlook it.

"A change in the level of the discourse also needs to be emphasized. The Government is now viewing the issue in a historical context, and that suits us perfectly well, because this is the framework in which we have situated the problem.

"FLNKS is still within the framework of the Matignon Accords, and these two limits were established by mutual agreement among the State, FLNKS and RPCR. The first point is that the road to independence is in all cases through a self-determination referendum. The second point, and hence the second limit, is the concept of the population concerned, that is to say the 1988 electorate. As we see it, there is a margin between these two limits which must be utilized to the full in order to find the solution for 1998.

"The FLNKS plan is not independence in 1998. Our plan is the establishment in 1998 of a State associated with France which could, for a certain number of years that remains to be determined, share its sovereignty with the French State and then, at the end of a period which remains to be negotiated, the State would become completely independent. That is the FLNKS plan. What is important for us is that in 1998 there should be a mechanism that will lead the country to its emancipation and its independence. What must be done, in our view, is to find the content that is capable of reassuring us in that respect. For the time being, the points of view are sometimes very far apart, particularly between us and the State, but I think that from the moment when the State has agreed to discuss with us these two main points, in the weeks or the months to come we should be able to arrive at some main positions on which we could say 'OK, let's get on with it, we're starting the discussion with our third partner'.

"The State has set the democratic framework within which this solution has to be sought and found. And this framework has not been imposed by the State, it is the spirit of the Matignon Accords. The historical partners are in this framework. If we don't have a self-determination referendum in 1998 — which is what everyone wants — that will mean that we have found a solution.

"It will be initially a framework agreement, then a more specific agreement which will be put before the New Caledonians for ratification. What will there be in this consensus solution? Those who are for independence will take a historical approach, saying that the process is under way, and those who are not for independence will say that this consensus solution suits them as a transitional phase before seeing what will happen in a few years' time. My own feeling is that the horizon must not be closed.

"But at the end of this period, however long it is, there is self-determination, and the State has to guarantee the democratic conditions in which the consensus solution goes into effect and in which everyone is able, while respecting the viewpoints of others, to maintain his own. Those who say 'We don't want to be independent' also have a legitimate case. They have roots in this Territory going back several generations. Those who came later are fully legitimized by the Matignon Accords, and they too have their approach, their convictions which must be respected, and the State must be the guarantor of these.

"The State must be simultaneously the guarantor of the conditions in which this solution is drawn up and also, with the partners, the guarantor of the spirit of the Matignon Accords. The State notes today that one of the partners is calling for independence. It is not asking anyone to renounce his views, but it knows as well — and the partners also know, and they accept and admit — that if there is to be independence one day, the road to it is through self-determination, that is to say by the votes of all New Caledonians, since the second concept is that of 'populations concerned'. This set of principles, of concepts, sets the objective for what the consensus solution must be. It will secure consensus only if it is accepted by the vast majority, and hence what we put in it will have to be acceptable to New Caledonians as a whole. We now need to list a number of problems, and I have the feeling that the points on which we will rapidly reach agreement are the problems of jobs, integration, adjustment, economic development. These are specific questions to which people are waiting for answers."

6. On 28 December 1996 Mr. Rock Wamytan, President of FLNKS, in a statement to the Congress of the Territory, described the position of FLNKS as follows:

"FLNKS believes that the local partners in the Matignon Accords should also be in a position to resume bilateral discussions on the country's institutional future before the whole range of political groups, social and professional categories, and traditional institutions is associated with the approach advocated by FLNKS.

"Reactivating the partnership between FLNKS and RPCR at the dawning of this year 1997, the last phase in the Matignon-Oudinot Accords, means for us in the first place trying to find additional resources for our local and provincial communities that need them. Secondly, it means finding the mechanisms required in order to introduce the necessary corrections which will then make it possible to restart the pump of readjustment.

"Thirdly, it means asserting that we are opting for a logic of negotiation instead of a logic of confrontation, and this course must lead us to find a negotiated solution for the future of the country, a solution which will have to be ratified by means of a referendum.

"Fourthly, this negotiated solution will have to reject any idea of taking a step backwards, and cannot be a synonym of the status quo or of a springboard to yet another statute.

"This is as we see it, a guarantee of a future and of institutional stability which is something we all earnestly desire.

"Fifthly, this negotiated solution will, once the 1998 referendum has taken place, allow of shared sovereignty with France and the eventual full exercise of its attributes of sovereignty on the basis of a timetable for relinquishment of authority which will remain to be determined.

"The transitional period initiated by the 1998 referendum will be needed in order to prepare the citizens of this country, whatever their ethnic affiliation, to assume definitive responsibility for their future."

7. At the same meeting, Mr. Pierre Frogier summed up the position of RPCR as follows:

"On 26 June 1988, the signature of the Matignon Accords between the State, RPCR and FLNKS restored civil peace and opened the way to a period of 10 years of unprecedented economic and social development of which the provinces that emerged from the Accords were the driving force.

"Since 1988, dialogue between RPCR and FLNKS has continued, particularly in the context of the joint conduct of the Territory's politics within Congress, despite some occasional misunderstandings which have, I may add, just been expressed. As the end of this period, and hence of the Matignon Accords, approaches, the North Province is facing real financial difficulties; RPCR recognizes that the mechanisms required for adjustment, particularly with respect to the development contracts, which enabled the North to acquire the public infrastructures it was lacking, are today generating operating costs which the province is not, as things stand, in a position to meet.

"This is why RPCR backs the move by FLNKS designed to obtain from the State an exceptional grant to be included in the Territory's budget.

"But beyond that, in the spirit of partnership and closeness that has prevailed over the past period, RPCR will contribute actively, from 1997 onwards, to seeking additional financing designed to support the budgets of the public communities, the provinces and communes.

"This move is of course envisaged in the context of further political agreements between the State, RPCR and FLNKS.

"As RPCR sees it, these agreements should open up for New Caledonia a new period of stability which should not last less than 24 years. The institutional solution negotiated among the three parties to the Matignon Accords which would be submitted for the approval of New Caledonians by means of a ratification referendum should institute a sovereignty shared between the French Republic and the Territory which would enable New Caledonia to assert its specific identity while respecting the State's own areas of competence.

"The aim of RPCR is to achieve this irreversible solution of emancipation of the Territory before the end of 1997.

"Otherwise, the self-determination vote provided for by the Referendum Act will take place with a result of which there can be no doubt, but which will usher in for New Caledonia a period of uncertainty.

"This solemn declaration must be regarded as a sincere and genuine commitment by RPCR not only to its partners in FLNKS but also to the entire population of New Caledonia, for which RPCR is untiringly pursuing a solution of peace and prosperity acceptable to the greatest number.

"RPCR, which has heard the statement by the President of FLNKS, interprets it as a solemn commitment of the same scope."

III. Consideration of the Question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

8. The Special Committee considered the question of New Caledonia at its 1461st meeting, held on 24 July 1996. At its 1456th and 1459th meetings, the Special Committee had acceded to the requests for hearings submitted by Mr. Yann Céléne Uregei of the Congrès Populaire and Ms. Donna Winslow on behalf of FLNKS. At the 1461st meeting, Mr. Uregei and Ms. Winslow made their statements (see A/AC.109/SR.1461). At the same meeting, the representative of Papua New Guinea made a statement (see A/AC.109/SR.1461) in the course of which, speaking also on behalf of Fiji, he introduced a draft resolution (A/AC.109/L.1850). Still at the same meeting, the Special Committee adopted draft resolution A/AC.109/L.1850 without a vote. On 1 August, the text of the resolution (A/AC.109/2066) was communicated to the Permanent Representative of France to the United Nations so that he could bring it to the attention of his Government.

B. Special Political and Decolonization Committee (Fourth Committee)

9. At its 4th meeting, on 9 October 1996, the Fourth Committee heard a statement by Mr. Rock Wamytan of FLNKS (see A/C.4/51/SR.4). At the same meeting, the text of the statement by Mr. Yann Céléne Uregei was circulated to members of the Committee.

10. At the 8th meeting of the Committee, on 28 October 1996, the representative of France made the following statement:

"For a number of years, the French delegation has been informing the Fourth Committee of the situation in New Caledonia, and in particular of the application of the Matignon Accords. It does so on its own initiative, without renouncing its reservations as to the competence of the United Nations to discuss this question — reservations to which I propose to return — but it does so also out of concern to bring to the attention of Member States the fullest information on developments in the Territory. It is in this same spirit that, this year again, I propose to refer to the situation in New Caledonia.

"For the past eight years, New Caledonia has been experiencing a transformed political, economic and social climate. The will of all the political forces making up New Caledonia to restore peace and build their future together was reflected in the signature on 26 June 1988 of the Matignon Accords, supplemented the following 20 August by the rue Oudinot Accords.

"These Accords are based on three essential principles: the right of New Caledonians to self-determination, decentralization, readjustment and economic and social development of the Territory.

"The inhabitants of New Caledonia will exercise their right to self-determination in 1998, and determine the future of the Territory through a ballot in which only electors continuously resident on 6 November 1988 will be able to participate, under the terms provided for by the law adopted by referendum on that date enacting statutory and preparatory provisions for New Caledonia's self-determination in 1998.

"Where decentralization is concerned, the three provinces of which New Caledonia is composed are administered by their own elected officials and have been given extensive powers and the corresponding resources.

"Lastly, the French Government has undertaken to promote the economic and social development of the Territory and reduce the inequalities.

"The signatories to the Accords wanted their implementation to be subject to regular evaluation among the parties; to this end, the Committee to Monitor the Matignon Accords meets each year to review the activities initiated, make the necessary

adjustments and define the priority directions for the coming period.

"What does the balance-sheet of these eight years of application of the Matignon Accords look like?

"On the institutional level, the machinery provided for by the Accords has been put in place. The new organizational structure of the Territory has given men from all the provinces access to political and administrative responsibilities. The three New Caledonian provinces are today discharging the responsibilities assigned to them.

"On the economic side, the objective of the French Government is to continue to promote balanced development that will create jobs. To this end, it has signed a number of development contracts with each of the provinces. These accords are a result of the Accords signed eight years ago. They constitute their economic and social component, and were concluded after lengthy dialogue among the provinces concerned.

"The efforts already made in other areas of economic and social activity have yielded encouraging results. Implementation of the infrastructural programmes (roads, water, electricity, telephones) is progressing. The Government has encouraged the implementation of an economic and social plan for the whole of the nickel sector. Lastly, the Agency for the Economic Development of New Caledonia (ADECAL), principal participants in which are the State, the Territory of New Caledonia and the three provinces, is continuing its activities.

"A major effort has been made in the field of training. Encouraging results have been recorded, *inter alia*, in secondary and vocational education, which is producing a growing number of graduates.

"This effort is accompanied by promotion of the cultural identity of the Melanesian community. The agency for the development of Kanak culture plays a leading role in this respect.

"New Caledonia's relations with its regional environment were transformed by the Matignon Accords. The Territory's contacts with neighbouring countries are increasing. They involve the political leaders as well as actors in economic, scientific and cultural life. The signature of a cooperation agreement between the Territory, the provinces and the Republic of Vanuatu has been a positive element in this respect. New Caledonia has become a full-fledged partner of the region.

"The French authorities attach great importance to integrating the Territory into the South Pacific community. We shall continue to encourage the development of exchanges and cooperation between New Caledonia and its neighbours. We should like the Territory to continue to receive delegations from the countries of the region in the months to come. Their growing support for the process initiated in 1988 constitutes valuable encouragement.

"The French authorities are determined to pursue the resolute policy embarked upon in order to enable the inhabitants of New Caledonia to build a prosperous territory and exercise their right to self-determination in 1998 under the best possible conditions. The French Government has taken the initiative of launching the process of preparation for the 1998 deadline with dialogue among the signatures of the Matignon Accords. This dialogue will subsequently be extended to the other political forces and to socio-economic officials.

"I should now like to take up the issue of the draft resolution on New Caledonia that is before the Fourth Committee.

"This year again, we note with satisfaction that the text takes into account the positive evolution of the situation in the Territory and underlines the dialogue established between the parties under the auspices of the French Government. Under the circumstances, the French delegation will be in a position, as in previous years, not to object to the text and not to call for it to be put to the vote.

"Nevertheless, France maintains its reservations regarding the competence of the United Nations to discuss the subject. France has always considered that Article 73 of the Charter does not apply to New Caledonia, nor indeed to the overseas departments and territories as a whole. We have always considered that the Charter leaves to each State concerned exclusive competence to determine which of the Territories it administers constitute non-self-governing territories. We believe that no General Assembly resolution has been able to amend the Charter on this point and give the Assembly competence in this area. In accordance with Article 2, paragraph 7 of the Charter, the question of New Caledonia thus constitutes a matter which is essentially within the domestic jurisdiction."

11. At its 8th meeting, on 28 October 1996 (see A/C.4/51/SR.8), the Committee adopted without a vote the draft resolution on New Caledonia contained in document A/51/23 (Part V).

C. The General Assembly

12. During the general debate at the 5th meeting, on 23 September 1996, the representative of Papua New Guinea referred to the question of New Caledonia in his statement (see A/51/PV.5).

13. At its 83rd plenary meeting, on 13 December 1996, the General Assembly adopted without a vote resolution 51/144 entitled "Question of New Caledonia".